

UNITED STATES DISTRICT COURT  
DISTRICT OF NORTH DAKOTA

---

United States of America,

Plaintiff,

vs.

Raymon Everett Holmberg, a/k/a Raymon  
Holmberg, a/k/a Ray Holmberg, a/k/a Sean  
Evan, a/k/a Sean Evans,

Defendant.

---

Case No. 3:23-cr-00206

**DEFENDANT’S SENTENCING  
MEMORANDUM**

**INTRODUCTION**

Defendant, Raymon Everett Holmberg (“Mr. Holmberg”), pleaded guilty to the crime of Travel with Intent to Engage in Illicit Sexual Activity in violation of 18 U.S.C. § 2423(b) on August 8, 2024. A Sentencing Hearing is scheduled for March 26, 2025. Mr. Holmberg files this Sentencing Memorandum for the Court’s sentencing consideration.

**GUIDELINE CALCULATION**

**I. Offense Level Calculation**

The Government and Mr. Holmberg entered into a written plea agreement.<sup>1</sup> The Parties agreed, under U.S.S.G. § 2G1.3(a)(4), to a base offense level of 24.<sup>2</sup> The Presentence Investigation Report (“PSIR”) confirms this assessment.<sup>3</sup>

---

<sup>1</sup> See generally ECF No. 28 (“Plea Agreement”).

<sup>2</sup> *Id.* at ¶ 14.

<sup>3</sup> ECF No. 52 (“Presentence Investigation Report”), ¶ 32.

At sentencing, the Government will recommend a downward adjustment of two levels for acceptance of responsibility, and will move for an additional one-level downward adjustment for Mr. Holmberg's timely notification of his intent to enter a guilty plea under U.S.S.G. § 3E1.1(b).<sup>4</sup> The PSIR agrees with these adjustments.<sup>5</sup>

This results in a net offense level of **21**.<sup>6</sup>

## **II. Criminal History Calculation**

The PSIR confirms that Mr. Holmberg has not incurred any prior criminal convictions or juvenile adjudications,<sup>7</sup> resulting in zero criminal history points.<sup>8</sup> Mr. Holmberg's complete lack of prior criminal history places him in Criminal History Category I.<sup>9</sup> Mr. Holmberg agrees that use of **Criminal History Category I** is appropriate for this Court's determination of an appropriate sentence.

### **CONCLUSION**

When determining Mr. Holmberg's base guideline range, Mr. Holmberg respectfully requests that this Court use **Criminal History Category I**, and offense level **21**, for a guideline

---

<sup>4</sup> Plea Agreement, ¶ 16.

<sup>5</sup> PSIR, ¶¶ 39-40.

<sup>6</sup> *Id.* at ¶ 41.

<sup>7</sup> *See* PSIR, ¶¶ 59-60.

<sup>8</sup> *See* PSIR, ¶ 61.

<sup>9</sup> *Id.* at ¶ 62; U.S.S.G. ch. 5A.

range of **37-46 months**,<sup>10</sup> subject to the departures and variances requested in Mr. Holmberg's Sentencing Memorandum Supplement.

Dated this 19th day of March, 2025

**VOGEL LAW FIRM**

*/s/ Drew J. Hushka*

---

BY: Mark A. Frieze  
Drew J. Hushka  
218 NP Avenue  
PO Box 1389  
Fargo, ND 58107-1389  
701.237.6983  
Email: mfrieze@vogellaw.com  
dhushka@vogellaw.com  
ATTORNEYS FOR DEFENDANT

---

<sup>10</sup> See also PSIR, ¶ 80 (same).